

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KAELI GARNER, *et al.*,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware
Corporation, and AMAZON.COM SERVICES
LLC, a Delaware Limited Liability Company,

Defendants.

Case No. 2:21-cv-00750-RSL

**DECLARATION OF GARNER KROPP IN
SUPPORT OF AMAZON'S MOTION TO
EXCLUDE TESTIMONY OF SERGE
EGELMAN**

NOTE ON MOTION CALENDAR:

November 4, 2024

ORAL ARGUMENT REQUESTED

Garner Kropp declares as follows:

1. I am an attorney licensed to practice law in the State of California at the law firm of Fenwick & West LLP, counsel of record for Defendants Amazon.com, Inc. and Amazon.com Services LLC. I am familiar with the facts set forth in this declaration and, if called upon to do so, I could competently testify to those facts.

2. On June 18, 2024, Plaintiffs filed a Motion for Class Certification. Dkt. 255. They proffered three expert reports in support of their Motion, including an expert report by Professor Serge Egelman. Dkt. 255_52.

3. Attached here to as **Exhibit A** is a true and correct copy of Serge Egelman's report filed as Exhibit XX to the Declaration of Michael P. Canty in support of Plaintiffs' class certification motion. Dkt. 255_52. Plaintiffs designated this report as Confidential and moved to seal this document. Dkt. 256. Amazon responded to the motion to seal on July 3, 2024. Dkt. 266.

4. On September 6, 2024, Amazon took the deposition of Serge Egelman. Attached hereto as **Exhibit B** is a true and correct copy of the excerpts of the transcript of the September 6, 2024 deposition.

5. Serge Egelman cites to public articles in his report in support of his opinions. Attached hereto are true and correct copies of the articles relied upon by Amazon in its Motion to Exclude Testimony of Serge Egelmen.

a. Attached as **Exhibit C** is a true and correct copy of Nathan Malkin, Julia Bernd, Maritza Johnson, and Serge Egelman, "What Can't Data Be Used For? Privacy Expectations About Smart TVs in the U.S.," *European Workshop on Usable Security (EuroUSEC)*, 2018, ("Malkin et al. (2018)") pp. 1–15.

b. Attached as **Exhibit D** is a true and correct copy of Yue Huang, Borke Obada-Obieh, and Konstantin Beznosov, "Amazon vs. My Brother: How Users of Shared Smart Speakers Perceive and Cope with Privacy Risks," *Proceedings of the 2020 CHI Conference on Human Factors in Computing Systems*, 2020, ("Huang et al. (2020)") pp. 1–13.

- 1 c. Attached as **Exhibit E** is a true and copy of Nathan Malkin, Joe Deatrick,
2 Allen Tong, Primal Wijesekera, Serge Egelman, and David Wagner,
3 “Privacy Attitudes of Smart Speaker Users,” *Proceedings on Privacy*
4 *Enhancing Technologies (PoPETS)*, 4, 2019, (“Malkin et al. (2019)”) pp.
5 250–271 at 255, 264.
- 6 d. Attached as **Exhibit F** is a true and correct copy of Adrienne Porter Felt,
7 Serge Egelman, and David Wagner, “I’ve Got 99 Problems, But Vibration
8 Ain’t One: A Survey of Smartphone Users’ Concerns,” *Proceedings of the*
9 *Second ACM Workshop on Security and Privacy in Smartphones and*
10 *Mobile Devices*, 2012, (“Porter et al. (2012)”) pp. 33–44.
- 11 e. Attached as **Exhibit G** is a true and correct copy of Linda Lee, JoongHwa
12 Lee, Serge Egelman, and David Wagner, “Information Disclosure Concerns
13 in The Age of Wearable Computing,” *Proceedings of the NDSS Workshop*
14 *on Usable Security*, 2016, (“Lee et al. (2016)”) pp. 1–10.
- 15 f. Attached as **Exhibit H** is a true and correct copy of Tamara Denning,
16 Zakariya Dehlawi, and Tadayoshi Kohno, “In Situ with Bystanders of
17 Augmented Reality Glasses: Perspectives on Recording and Privacy-
18 Mediating Technologies,” *Proceedings of the SIGCHI Conference on*
19 *Human Factors in Computing Systems*, 2014, (“Demming et al. (2014)”) pp.
20 2377–2386.
- 21 g. Attached as **Exhibit I** is a true and correct copy of Julia Bernd, Ruba Abu-
22 Salma, and Alisa Frik, “Bystanders’ Privacy: The Perspectives of Nannies on
23 Smart Home Surveillance,” *10th USENIX Workshop on Free and Open*
24 *Communications on the Internet*, 2020, (“Bernd et al. (2020)”) pp. 1–14.
- 25 h. Attached as **Exhibit J** is a true and correct copy of Julia Bernd, Ruba Abu-
26 Salma, Junghyun Choy, and Alisa Frik, “Balancing Power Dynamics in Smart
27 Homes: Nannies’ Perspectives on How Cameras Reflect and Affect
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Relationships,” *Proceedings of the Eighteenth USENIX Conference on Usable Privacy and Security*, 2022, (“Bernd et al. (2022)”) Article 37, pp. 687–706.

i. Attached as **Exhibit K** is a true and correct copy of Karola Marky, Alexandra Voit, Alina Stöver, Kai Kunze, Svenja Schröder, and Max Mühlhäuser, “‘I Don’t Know How to Protect Myself’: Understanding Privacy Perceptions Resulting from the Presence of Bystanders in Smart Environments,” *Proceedings of the 11th Nordic Conference on Human-Computer Interaction: Shaping Experiences, Shaping Society*, Article 4, 2020, (“Marky et al. (2020)”) pp. 1–11.

j. Attached as **Exhibit L** is a true and correct copy of Rep. Maximiliane Windl and Sven Mayer, “The Skewed Privacy Concerns of Bystanders in Smart Environments,” *Proceedings of the ACM on Human-Computer Interaction, MHCM*, 6, Article 184, 2022, (Windl et al. (2022)”) pp. 1–21.

k. Attached as **Exhibit M** is a true and correct copy of Ahmed Alshehri, Joseph Spielman, Amiya Prasad, and Chuan Yue, “Exploring the Privacy Concerns of Bystanders in Smart Homes from the Perspectives of Both Owners and Bystanders,” *Proceedings on Privacy Enhancing Technologies*, 3, 2022, (“Alshehri et al. 2022)”) pp. 99–119.

l. Attached as **Exhibit N** is a true and correct copy of Madiha Tabassum, Tomasz Kosiński, Alisa Frik, Nathan Malkin, Primal Wijesekera, Serge Egelman, and Heather Richter Lipford. “Investigating Users’ Preferences and Expectations for Always-Listening Voice Assistants,” *Proceedings of the ACM on Interactive, Mobile, Wearable and Ubiquitous Technologies*, 3(4), Article 153, 2019, (“Tabassum et al. (2019)”) pp. 1–23.

m. Attached as **Exhibit O** is a true and correct copy of Yaxing Yao, Justin Reed Basdeo, Oriana Rosata McDonough, and Yang Wang, “Privacy Perceptions and Designs of Bystanders in Smart Homes,” *Proceedings of the ACM on*

1 *Human-Computer Interaction, CSCW*, 3, Article 59, 2019, (“Yao et al.
2 (2019)”) pp. 1–24.

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4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct.

6 Executed this 7th day of October 2024.

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8 /s/ Garner Kropp
 Garner Kropp
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